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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,564	01/19/2001	Brian C. Lowry	121489-110	1099

7590 05/24/2004

Attn: James M. Singer  
PEPPER HAMILTON LLP  
50th Floor  
500 Grant Street  
Pittsburgh, PA 15219

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,564

Applicant(s)


LOWRY ET AL.

Examiner

John L Young

Art Unit

3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5 & 7.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **FIRST ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS — 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

pertains. Patentability shall not be negated by the manner  
in which the invention was made.

2. Claims 2-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ogawa, 5,991,644 (Nov. 23, 1999) (herein referred to as "Ogawa") in view of Malackowski, 5,752,186 (May 12, 1998) (herein referred to as "Malackowski").

As per claim 2, Ogawa (the ABSTRACT; FIG. 4A; FIG. 4B; FIG. 4C; FIG. 5; FIG. 3A; FIG. 3B; FIG. 1; col. 1, line, 58; and col. 5, ll. 12-17) discloses: *"it is possible to use the large-area display section, and this makes its use as a data transmitter/receiver easier. . . ."*

Ogawa (the ABSTRACT; and col. 4, ll. 10-65) discloses: *"information . . . is displayed on part of the display. . . ."* The Examiner interprets this disclosure as showing "content for display."

The Examiner interprets the above disclosures of Ogawa and Ogawa (whole document) as inherently showing the broad claim language of the instant invention which recites: "generating using a vendor processor, content for display . . . transferring, via a communications network, the content to a display controller . . . directing, by the display controller, the content to a large-screen display apparatus, the large-screen display apparatus including a display surface, a transmitter and a receiver. . . displaying, by the large-screen display apparatus, the content on the display surface; and . . . receiving, via

the receiver, a first message form a client wireless communications device, the first message corresponding to the content.”

Ogawa lacks an explicit recital of “A method of providing communication between a vendor and a client via a large-screen display. . . .”

Malackowski (FIG. 4; the ABSTRACT; col. 1, ll. 5-25; col. 1, ll. 25-65; col. 2, ll. 5-20; col. 2, ll. 20-40; and whole document) shows “A method of providing communication between a vendor and a client via a large-screen display. . . .”

Malackowski proposes vendor communications modifications that would have applied to the system of Ogawa. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the disclosure of Malackowski with the teachings of Ogawa because such combination would have provided an “information fulfillment system and method for providing information to a caller having a wireless communication device. . . .” (see Malackowski (the ABSTRACT)) and a large-area display. . . .” device (see Ogawa (col. 1, ll. 55-57)).

As per dependent claims 3-8, Ogawa in view of Malackowski shows the method of claim 2.

Ogawa in view of Malackowski lacks explicit recitation of the elements and limitations of claims 3-8, even though Ogawa in view of Malackowski reasonably suggests same.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 3-8 were notoriously well known and expected in the art at the time of the invention. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the elements and limitations of claims 3-8, because selection of such features would have provided an “information fulfillment system and method for providing information to a caller having a wireless communication device. . . .” (see Malackowski (the ABSTRACT)) and a large-area display. . . .” device (see Ogawa (col. 1, ll. 55-57)).

Independent claim 9 is rejected for substantially the same reasons as independent claim 2.

Dependent claims 10-15 are rejected for substantially the same reasons as dependent claims 3-8.

### CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents  
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Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL) or (703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

May 17, 2004